

IN THE MATTER OF THE * BEFORE THE
THE APPLICATION OF *
ANTHONY F. LESNIEWSKI, ET UX * COUNTY BOARD OF APPEALS
FOR A VARIANCE ON PROPERTY * OF
LOCATED ON THE SOUTHWEST SIDE *
SHORE ROAD, 1900' EAST OF * BALTIMORE COUNTY
BEND IN SHORE ROAD *
(8207 SHORE ROAD) * CASE NO. 92-293-A
12TH ELECTION DISTRICT *
7TH COUNCILMANIC DISTRICT * * * * *

TESTIMONY

This matter comes before the Board of Appeals on appeal from a decision of the Deputy Zoning Commissioner denying the requested petition to permit outside mooring of an extended pier to be placed less than the required 10-foot setback from divisional lines [Section 417.4, BCZR]. Petitioner requested setbacks to divisional lines of 6 feet and 1.6 feet in lieu of the required 10 feet each for existing pilings already in place.

Anthony Lesniewski, Appellant in this matter, testified that he contracted for a 40-foot extension to his existing 70-foot pier for the purpose of installing "boat-lifts" on each side of the extended pier. The positioning of the outside mooring piles, he testified, was to satisfy the dimensions of the boat-lift as specified by the manufacturer.

In this matter of an extended pier and construction by a marine pier contractor, a reasonable petition for setback variances, became problematical when the work was begun and completed without the required permit.

Although the adjacent neighbors of the Lesniewski's did not object to the pier project, Mrs. Inez Borgman, who resides two properties from the subject site, testified in opposition to the petition for setback variances. She protested that she first

Case No. 92-293-A Anthony F. Lesniewski, et ux 2
became aware of the project when the contractor's barge appeared at the site and commenced with the pier extension during a three-day holiday weekend. The pier was completed by the time she could notify the County of what she thought to be a violation. A stop-work order was subsequently issued prior to the installation of the "boat-lifts" on each of the extended pier.

Testimony and exhibits in this case indicate that an application for the permit was then filed and subsequently granted by the Department of Permits & Licenses, as based on a pier plan submitted by Appellant (Petitioners' Exhibit 1). That building permit site plan shows all four mooring piles properly positioned 10 feet from divisional lines. However, what was actually constructed by the contractor (6 feet and 1.6 feet) was noticeably different and made the variances from Section 417 necessary.

Mrs. Borgman further testified that her husband has died, and she appeared before this Board without legal counsel or supporting protestants. Her objections to the pier were the mooring pile placement close to the divisional lines and the potentiality of a domino effect of similar construction along the shore line if approved. She also expressed concern that the raised boats would obstruct her view and that the height of the piles was an unattractive obstruction (Protestant's Exhibits 2 through 5) that could eventually be utilized for building a boat house. Mrs. Borgman further contended that all could have been avoided if the permit process had been followed.

OPINION

The law is well established that an area variance may be

Case No. 92-293-A Anthony F. Lesniewski, et ux 3
granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973) To prove practical difficulty for an area variance, the Petitioner must produce evidence to allow the following questions to be answered affirmatively:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is evident that the difficulties of Appellant, to some degree, are self-imposed in that he allowed a licensed marine contractor to proceed with an expensive pier construction without the required permit. As is often the case along tributaries of the Chesapeake Bay, piers are extended at the convenience of the marine contractor and worthy improvements are made without application for permits, as long as the neighbors don't object and the pier doesn't reach out too far from the shore line. In this matter, the pier contractor obviously "eye-balled" the positioning of mooring piles from an extended pier, which the adjacent neighbors did not oppose. If the plan for the pier (Protestant's Exhibit 1) was available for reference, it was inaccurate, and what the contractor put in place did not comply with the divisional line of a 10-foot setback shown

Case No. 92-293-A Anthony F. Lesniewski, et ux 4
on that plan. Only after a stop-work order did Appellant's son prepare a schematic drawing based on the dimensions of the extended pier that was already in place, as shown on the revised plan (Petitioner's Exhibit 1), and requiring the subject variances. As previously mentioned, the mooring piles were positioned to satisfy manufacturer's specifications for the boat-lift carriage, which called for a wider boat slip than normal.

Section 417.3 of the BCZR stipulates that divisional lines shall be established in accordance with: (A) straight shore lines and (B) irregular shore lines. Photographic exhibits in this case (Protestant's Exhibits 2 through 5) and the two plans in the record (Petitioner's Exhibit 1 and Protestant's Exhibit 1) show indications of a straight shore line. Section 417.3(A) specifies that:

"If the shoreline is straight the divisional lines are to be extended from the intersection of the property line and the shoreline into the water perpendicular to the shoreline. Or where the property lines are parallel, (as in this matter) and it is practical to do so, the property boundary line shall be extended in a straight line into the water."

In the opinion of this Board, since the subject pier and its neighboring piers are each extended perpendicular to the shoreline, it was not "practical" for the drafters of Appellant's plan(s) to have depicted "divisional lines" based on the extended side yard boundary into the water, and thereby show a convergence with the neighbor's divisional lines. Instead of converging, perpendicular lines from the straight shoreline will run parallel and not converge, and thereby requires a different setback variance than sought by Appellant in this de novo hearing. Based on the Board's

Case No. 92-293-A Anthony F. Lesniewski, et ux 5
application of Section 417.3 to the revised plan (Petitioner's Exhibit 1), instead of the requested 6 feet, we shall consider setback variances of 5 feet versus 10 feet for the left side piles and 7-1/2 feet versus 10 feet for the right side piles instead of 1.6 feet as requested.

In consideration of Anderson and practical difficulty incurred by the strict enforcement of Section 417.3, it is evident to this Board that Appellant would be denied the opportunity to install mooring piles for a boat with a 10 to 12 foot beam at his existing pier without setback variances from the divisional lines for a waterfront footage of 47 feet. By extending his pier with his neighbors' approval, Appellant obviously sought a more open and clear access to his boat slips to eliminate interference with existing piers. The Board notes this is a compelling factor in our consideration of this case.

It is the understanding of this Board that "boat-lift carriages" are custom fabricated to accommodate the length, beam and weight of the craft they are designed to lift from the water. Whereas the standard width of slips in most marinas is from 12 to 14 feet, Appellant is seeking slip widths of 13 feet 15.6 inches to provide for the carriage installation specified by the manufacturer. We consider this to be a reasonable request.

The facts in this case convince us that the variances requested, as modified by this Board, would give substantial relief and avoid a practical difficulty for the Appellant while not infringing on the public safety and welfare of the neighbors. In consideration of Protestant's concerns and photograph exhibits

Case No. 92-293-A Anthony F. Lesniewski, et ux 6
entered in this case, we believe that the variances requested should be granted as based on the restrictions contained below.

ORDER

IT IS THEREFORE this 29th day of December, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Zoning Variances to permit a setback of 5 feet in lieu of 10 feet and 7 feet 6 inches in lieu of 10 feet for mooring piles from divisional lines be and is hereby GRANTED, subject to the following restrictions:

1. The boat lift carriage shall not be raised to more than 2 feet below the deck of the pier. A safety-stop should be installed with the boat-lift's electric motor to regulate this height.
2. The piles driven (8) for support of the boat-lift carriages shall not rise more than 4 feet above the level of the pier deck.
3. The Petitioners may proceed with the completion of the pier upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners would be required to remove the mooring piles that are the subject of this case.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Harry E. Buchhelster, Jr.

C. William Clark

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
3W/3 Shore Road, 1900' E of * DEPUTY ZONING COMMISSIONER
Bend in Shore Road *
(8207 Shore Road) * OF BALTIMORE COUNTY
12th Election District *
7th Councilmanic District * Case No. 92-293-A
Anthony F. Lesniewski, et ux *
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance in which the Petitioners, Anthony F. and Jean R. Lesniewski, request a variance from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit setbacks to divisional lines of 1.6 feet and 6 feet in lieu of the required 10 feet each for existing pilings in accordance with Petitioner's Exhibit 2.

Appearing on behalf of the Petitioners were Anthony Lesniewski and his son, Anthony Lesniewski, Jr. Appearing as Protestants in the matter were John and Inez Borgman, residents of the area who reside two doors down from the subject property.

Testimony indicated that the subject property, known as 8207 Shore Road, consists of 8,722 sq.ft. zoned D.R. 10.5 and is improved with a single family dwelling, garage and screen house. Said property is located within the Chesapeake Bay Critical Areas on Lynch Cove and as such, is subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) regarding Critical Areas legislation. Petitioners filed the instant Petition as a result of a complaint filed with the Department of Permits and Licenses regarding the Petitioners' construction of a 40-foot extension to their pier. Anthony Lesniewski testified that he contracted for the construction of the

ORDER RECEIVED
Date
By

extension and had four mooring piles installed for the purpose of adding boat lifts on each side of the extended pier. Mr. Lesniewski testified that the requested variance is necessary due to the fact that the mooring piles were placed too close to the property divisional lines, which were accurately drawn into Lynch Cove. The Petitioner indicated that to require strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for him.

John and Inez Borgman, who reside at 8203 Shore Road, appeared and testified in opposition to the Petitioners' request. The Borgmans testified that Mr. Lesniewski attempted to install the pier extension, the four mooring piles and boat lifts without securing a building permit from Baltimore County. Upon seeing the construction taking place, the Borgmans called Baltimore County and a stop work order was issued to the Petitioners by the Department of Permits and Licenses. Mr. Lesniewski then applied for a building permit and was given same for the extension of the pier and the installation of the four mooring piles which are the subject of this request. Mr. Lesniewski testified that he had a valid permit for all improvements concerning the pier and mooring piles.

The Protestants entered into evidence as Protestant's Exhibit 1 the application for building permit which was obtained by the Petitioners. Further investigation revealed that a site plan was filed along with the application for the permit for the pier extension and mooring poles by the Petitioners. That site plan is significantly different from the site plan entered into evidence in the instant matter. The building permit site plan shows all four mooring piles to be at least 10 feet from the property divisional lines, as shown on attached Deputy Zoning Commissioner's Exhibit A. What the Petitioners represented on the site plan filed with their

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Date
By

application for building permit and what was actually constructed are two different things. It is clear that no building permit would have been issued had the existing mooring piles been depicted in their true location. This is due to the fact that a variance would have to be granted prior to the permit being issued.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soicy, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Further, given the fact that the Petitioners failed to comply with the site plan filed with their building permit in that the true location of the mooring piles has been misrepresented, the relief requested in this petition for Zoning Variance should be denied. The Peti-

- 3 -

Petitioners shall be ordered to remove the four mooring piles which are the subject of this case and which are now in violation of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of April, 1992 that the Petition for Zoning Variance from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit setbacks to divisional lines of 1.6 feet and 6 feet in lieu of the required 10 feet for each for existing pilings, in accordance with Petitioner's Exhibit 2, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall within forty-five (45) days of the date of this Order remove the four mooring piles depicted on Petitioner's Exhibit 2 which are the subject of this variance request.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

April 2, 1992

(410) 887-4386

Mr. & Mrs. Anthony F. Lesniewski
8207 Shore Road
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE
SW/S Shore Road, 1900' E of a bend in Shore Road
(8207 Shore Road)
12th Election District - 7th Councilmanic District
Anthony F. Lesniewski, et ux - Petitioners
Case No. 92-293-A

Dear Mr. & Mrs. Lesniewski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Hadcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. John Borgman
8203 Shore Road, Baltimore, Md. 21222

Chesapeake Bay Critical Areas Commission
Tawes State Office Bldg., D-4, Annapolis, Md. 21404

DEPRM
Mr. John Reisinger - Permits & Licenses
People's Counsel

file



Petition for Variance

to the Zoning Commissioner of Baltimore County **92-293-A**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 417.4 (B.C.Z.R.) TO PERMIT SETBACKS OF 1.6 FEET IN LIEU OF 10 FEET AND 6 FEET IN LIEU OF THE REQUIRED 10 FEET TO DIVISIONAL LINES. (FOR EXISTING PILINGS) ALL

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
Ever since the ban on Anti-Fouling marine paints containing T.B.T. in 1988, the problem with underwater marine growth on the bottom of boats has been tremendous, namely BARNACLES. We must have the boats hauled out and scraped several times a season. On other occasions we had divers go down and scrape the bottoms of the boats, just to make the boats operable and run efficiently. The boat lifts would solve this difficult matter. The pilings for the lifts are at their limit.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s):

Anthony F. Lesniewski
(Type or Print Name)

Signature

Jean R. Lesniewski
(Type or Print Name)

Signature

8207 Shore Road x 325 - 9014
Address Phone No.

Dundalk, Md. 21222
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

Attorney's Telephone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING AVAILABLE FOR HEARING

ALL NON-ADJUDICATED - NEXT TWO MONTHS

REVIEWED BY JP DATE 1/30/92

ORDER RECEIVED FOR FILING

Date 1/30/92

By JP

309
92-293-A

ZONING DESCRIPTION

8207 SHORE RD.

BEGINNING AT A POINT ON THE NORTH EAST SIDE OF SHORE RD AT A DISTANCE OF 1900 ± FT EAST OF A 90° NORTHEASTERN ISLAND IN SHORE RD. (300' SHORE RD) THERE, 179 FT SOUTH WESTERLY THEN 47 FT SOUTH EASTERLY THEN 179 FT NORTH EASTERLY THEN 51 FT NORTH WESTERLY TO THE PLACE OF BEGINNING. ± AREA .201 AC. IN THE 12TH ELECTION DIST.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th Date of Posting 2/26/92

Posted for: Anthony F. Lesniewski

Petitioner: Anthony F. Lesniewski

Location of property: 8207 Shore Rd.

Location of Sign: 8207 Shore Rd.

Remarks: See above

Posted by: JP Date of return: 2/26/92

Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th Date of Posting 2/26/92

Posted for: Anthony F. Lesniewski

Petitioner: Anthony F. Lesniewski

Location of property: 8207 Shore Rd.

Location of Sign: 8207 Shore Rd.

Remarks: See above

Posted by: JP Date of return: 2/26/92

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 2/26/92

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/26/92

THE JEFFERSONIAN.

S. Zebé Orleans
Publisher

\$ 3976

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

February 20, 1992

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing - Case #92-293-A - P.O. #C116901 - Reg. #M57358 - 62 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 21st day of February 1992; that is to say, the same was inserted in the issues of February 20, 1992.

Kimbel Publication, Inc.

per Publisher.

By Kimbel Publication, Inc.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account # 001 6150
Number

hier Validation

Please Make Checks Payable To: Baltimore County



Date

Account # 001 6150
Number

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 3/3/92

Anthony F. and Jean R. Lesniewski
8207 Shore Road
Baltimore, Maryland 21222

RE:
CASE NUMBER: 92-293-A
S4/S Shore Road, 1900' E of a 90-degree bend in Shore Road
8207 Shore Road
12th Election District - 7th Councilmanic
Petitioner(s): Anthony F. Lesniewski and Jean R. Lesniewski

Dear Petitioner(s):

Please be advised that \$ 75.76 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is requested.

Carl Jablon

ARNOLD JABLON
DIRECTOR

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 4, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-293-A
S4/S Shore Road, 1900' E of a 90-degree bend in Shore Road
8207 Shore Road
12th Election District - 7th Councilmanic
Petitioner(s): Anthony F. Lesniewski and Jean R. Lesniewski
HEARING: THURSDAY, MARCH 19, 1992 at 9:00 a.m.

Variance to permit setbacks of 1 ft., 6 inches and 6 ft. in lieu of the required 10 feet to divisional lines for existing pilings.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Anthony and Jean Lesniewski

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 25, 1992

Mr. & Mrs. Anthony F. Lesniewski
8207 Shore Road
Dundalk, MD 21222

RE: Item No. 309, Case No. 92-293-A
Petitioner: Anthony F. Lesniewski, et ux
Petition for Variance

Dear Mr. & Mrs. Lesniewski:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: February 25, 1992
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 30th day of January, 1992.

Carl Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards, Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Anthony F. Lesniewski, et ux
Petitioner's Attorney:

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: March 3, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 11, 1992

This office has no comments for item numbers 305, 309, 310, 311 and 312.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

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ZONING OFFICE

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

FEBRUARY 5, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ANTHONY F. LESNIEWSKI AND JEAN R. LESNIEWSKI
Location: #8207 SHORE ROAD
Item No.: 309 Zoning Agenda: FEBRUARY 11, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- IF PIER IS INSTALLED FOR COMMERCIAL USE, THEN THE PIER MUST COMPLY WITH APPLICABLE SECTIONS OF NFPA 303.

REVIEWER: *Robert W. Bowling* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JE/KEK

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 13, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 11, 1992

The Developer Engineering Division has reviewed the subject zoning items and we have no comments for items 305, 309, 310, 311 and 312.

For Items 171 (Case #91-171-A) and 265 (Case #92-254-A), the previous County Review Group Comments remain valid.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developer Engineering Division

RWB:s

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION

Memorandum

TO: Julie Winiarski
Office of Zoning Administration and
Development Management

FROM: A. J. Haley, Deputy Director
Economic Development Commission

DATE: February 5, 1992

RE: Zoning Advisory Comments for Meeting of February 11, 1992

This office has no comment for items 305, 309, 310, 311 or 312.

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ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 12, 1992

FROM: Mr. J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item 309
#8207 Shore Road
Zoning Advisory Committee Meeting of N/A

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

See attached Chesapeake Bay Critical Area Findings.

LJP:sp

Attachment

JABLON/S/TXTSPB

RECEIVED
JUN 18 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: June 11, 1992

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 309
Lesniewski Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 8207 Shore Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. and Mrs. Anthony F. Lesniewski

APPLICANT'S PROPOSAL

The applicant is proposing to extend an existing pier an additional 40 feet. The applicant is also proposing to install two boat lifts, one on each side of the pier. This petition is requesting a variance for existing pilings to permit setbacks of 1 1/2 feet and 6 feet in lieu of the required 10 feet to divisional lines.

The applicant has requested a variance from Section 417.4 of the Baltimore County Zoning Regulations to permit "setbacks of 1 foot 6 inches and 6 feet in lieu of the required 10 feet to divisional lines."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and

Mr. Arnold E. Jablon
June 11, 1992
Page 2

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

REGULATIONS AND FINDINGS

Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Finding: Residential piers are allowed for riparian properties. This proposal for a pier extension does not create any new disturbance of the buffer. An Army Corps of Engineers review is required prior to permit application for more than one boat lift.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:ju

Attachment

LESNIEWS/WQCBCA

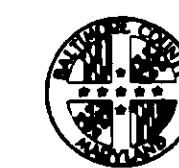
APPEAL

Petition for Zoning Variance
SW/S Shore Road, 1900' E of Bend in Shore Road
(8207 Shore Road)
12th Election District - 7th Councilmanic District
ANTHONY F. LESNIEWSKI, ET UX - Petitioner
Case No. 92-293-A

Petition(s) for Zoning Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments (Included with ZAC Comments)
Petitioner's & Protestant's Exhibits
Petitioner's Exhibits: A. Revised Site Plan
2. Plan for Zoning Variance
3. Photographs of Boat Dock
Protestant's Exhibits: 1. Application for Permit
Deputy Zoning Commissioner's Order dated April 2, 1992 (Denied)
Notice of Appeal received May 1, 1992 from John W. Nowicki, Attorney on behalf of the Petitioner

cc: Mr. & Mrs. Anthony F. Lesniewski
8207 Shore Road, Dundalk, Maryland 21222
Mr. & Mrs. John Borgman - 8203 Shore Road, Baltimore, MD 21222
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 29, 1992

John W. Nowicki, Esquire
NOWICKI & TIRABASSI, P.A.
6916 North Point Road
Baltimore, MD 21219

RE: Case No. 92-293-A
Anthony F. Lesniewski, et ux

Dear Mr. Nowicki:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Mr. & Mrs. Anthony F. Lesniewski
Mr. & Mrs. John Borgman
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
of Zoning Administration

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



(410) 887-3353

June 4, 1992

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
SW/S Shore Road, 1900' E of Bend in Shore Road
(8207 Shore Road)
12th Election District, 7th Councilmanic District
ANTHONY F. LESNIEWSKI, ET UX - Petitioner
Case No. 92-293-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 1, 1992 by John W. Nowicki, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:cer

Enclosures

cc: Mr. & Mrs. Anthony F. Lesniewski
8207 Shore Road, Dundalk, Maryland 21222
Mr. & Mrs. John Borgman - 8203 Shore Road, Baltimore, MD 21222

People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File

8/12/92 - Following parties notified of hearing set for October 29, 1992 at 10:00 a.m.:

John W. Nowicki, Esquire
Mr. and Mrs. Anthony F. Lesniewski
Mr. and Mrs. John Borgman
People's Counsel for Baltimore County
Public Services
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

10/28/92 -T/C from J. Nowicki, Esquire /conflict w/Court appearance; may require that he request postponement of case. Attempted to telephone Mr. & Mrs. Borgman; n.a.

3:50 p.m. /reached Mrs. Borgman; advised of possibility of continuance on record 10/29/92. Also advised her that Mr. Nowicki was trying to work out so case can proceed; and that Full Board will be here on 10/29/92 at 10:00 ready to go forward if possible.

48 119 Tim Detko to

PERMIT # 8109629 CONTROL # WF DIST: 12 PREC: 12

LOCATION: 8207 SHORE RD
SUBDIVISION: STRATHAN
TAX ASSESSMENT #: 1223935970

OWNERS INFORMATION
NAME: LESNIEWSKI, ANTHONY AND JEAN
ADDR: 8207 SHORE RD - 21222

APPLICANT INFORMATION
NAME: LESNIEWSKI, ANTHONY
COMPANY: J. REHAK CONST.
ADDR1: 8207 SHORE RD - 21222
ADDR2: 3106 BRENDAN AVE - 21213
PHONE #: 325-9014 LICENSE #: 11391

NOTES
REVISED SITE PLANS SUBMITTED 11/12/91..NO FEE..VLC

TRACT: CONST 5 BLOCK: 5 PLOT 5 R PLAT 0 DATA 0 ELEC YES PLUM NO
TENANT: REHAK CONST. - 7201 BUCKER RD -21219
CONTR: REHAK CONST. - 7201 BUCKER RD -21219
ENGAR: REHAK CONST. - 7201 BUCKER RD -21219
SELLER: REHAK CONST. - 7201 BUCKER RD -21219
WORK: STOP WORK: 6-004613. CONSTRUCT 2 BOAT LIFTS (1 ON EACH SIDE OF EX. PIER) 13'X18'X10'=234 EACH IN LYNCH COVE. WITH 2 ADDITIONAL FILING PIER PERMIT NO. 89191. -P DUNDALK/JPC

PROPOSED USE: SFD/2 BOAT LIFTS
EXISTING USE: SFD/PIER

BLDG. CODE: ROCA CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 13,000.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: OTHER - RESIDENTIAL
FOUNDATION: SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: WOOD FRAME FUEL:
CENTRAL AIR:

SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS
MULTI FAMILY UNITS
EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:
NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

111 W Chesapeake Ave
Rm 106
700 AM 3/19/92
92293A

Petitioner's Ex #1

PAGE 2 OF 2

APPLICATION FOR BUILDING PERMIT

PERMIT #: 8109629 CONTROL #: WF DIST: 12 PREC: 12

LOCATION: 8207 SHORE RD
SUBDIVISION: STRATHAN
TAX ASSESSMENT #: 1223935970

OWNERS INFORMATION
NAME: LESNIEWSKI, ANTHONY AND JEAN
ADDR: 8207 SHORE RD - 21222

APPLICANT INFORMATION
NAME: LESNIEWSKI, ANTHONY
COMPANY: J. REHAK CONST.
ADDR1: 8207 SHORE RD - 21222
ADDR2: 3106 BRENDAN AVE - 21213
PHONE #: 325-9014 LICENSE #: 11391

NOTES
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ESTIMATED COST OF MATERIAL AND LABOR: 13,000.00

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USE: OTHER - RESIDENTIAL
FOUNDATION: SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
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SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS
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NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

111 W Chesapeake Ave
Rm 106
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Petitioner's Ex #1

PAGE 2 OF 2

92-293-A

Anthony J. Lesniewski, et al

Photos

Ex. # 2-7

